

SENATE BILL 2541

By Kyle

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 68, Chapter 11, relative to the health facilities commission.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-29-222(a), is amended by deleting item (20) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-223(a), is amended by adding a new item thereto, as follows:

() Health facilities commission, created by Section 68-11-104;

SECTION 3. Tennessee Code Annotated, Title 68, Chapter 11, Part 1, is amended by adding the following appropriately designated new section:

Section 68-11-126.

(a) Any person who lobbies the commission or commission staff shall register as a lobbyist and shall comply with the provisions of title 3, chapter 6. For purposes of this section, "lobby" and "lobbyist" shall have the same meaning as provided in Section 3-6-102.

(b)

(1) Commission members shall not, except at commission meetings, communicate, directly or indirectly, with an interested person or lobbyist regarding the merits or substance of a pending certificate of need application or any matter that such person knows or should know will be brought before the commission at a future meeting.

(2) No interested person or lobbyist may, except at commission meetings, communicate, directly or indirectly, with a commission member regarding the merits or substance of a pending certificate of need application or any matter that such person knows or should know will be brought before the commission at a future meeting.

(3) For purposes of this subsection, an "interested person" is any person with a financial, proprietary, equitable or other interest in a certificate of need application pending before the health facilities commission.

(4) Nothing in this subsection shall preclude a commission member from discussing with any person general public policy matters relating to commission activities.

(5) Nothing in this act shall prevent communication among commission members and the commission staff.

(c) Each commission member shall file a public statement, quarterly, beginning October 1, 2001, listing all actual or attempted communications which are in violation of the provisions of subsection (b). This statement shall include the name of the person or entity making or attempting the communication, the matter or matters involved, the person or entity on whose behalf the communication or attempted communication was made, and the commission

member who received the communication or to whom the attempted communication was directed.

SECTION 4. Tennessee Code Annotated, Section 68-11-108(b), is amended by inserting the following between the second and third sentences:

Additionally, in making determinations to grant or deny a petition, the commission shall take into consideration the applicant's participation in the TennCare program.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.